

The Origin of the English Poor  
Law and its Development  
Through 1601

by Birdie Oneita Greenough

*June, 1909*

Submitted to the Department of Sociology of the  
University of Kansas in partial fulfillment of the  
requirements for the Degree of Master of Arts

Master Thesis

Greenough, Firdie 1909

Sociology

Origin of the English poor  
law and its development  
through 1601.



Thesis

The Origin of the English Poor Law and Its Development  
Through 1601.

For Degree of Master of Arts, Kansas University

June 1909.

Birdie Greenough.

## The Origin of The English Poor Law And Its Development Through 1601.

Although the foundation of the English Poor Law dates from the forty-third year of Elizabeth's reign, 1601, this famous statute is merely the culmination of acts that had been passed previous to that date. Therefore it is the purpose of this discussion to show the conditions and origin of the poor prior to that time, and how cared for?

In the early days of the Christian Era, Christ when upon earth spoke these words "The poor ye shall always have with you." He also taught his followers that they had a duty to perform in caring for those of such unfortunate circumstances. This duty being performed through love, as Uthorn illustrates in his "Christian Charity". He says "Alms were given from direct constraint of sympathizing love and the consciousness of love experienced in Christ. He also shows the manner upon which they looked at giving in quoting from the "Shepherd of Hermas" who says "They who receive will give account to God, why and for what receive. They who take anything under an appearance of pretended need, will have to give an account to God, but they who give will be blameless."<sup>(a)</sup>

In the early history of the church, the bishop, being the head officer had full charge of care of the poor. He was assisted by deacons, who did practically all the work, they relieving help at times from the widows and deaconesses. Alms at first were given voluntary and also as a sacrifice exacted by the Author of all good things.<sup>(b)</sup> Each one contributed every week or every



- (a) Ulhorn's "Charity in the Ancient Church" p. 120.
- (a) Ulhorn's "Charity in the Ancient Church" p. 120
- (b) Chastel's "Charity of Primitive Churches" p. 35
- (c) Bliss' "Encyclopedia of Social Reform" p. 267

month according to his means. When this failed to meet the demands, general collections were taken. If the people did not respond voluntarily, a tax of one-tenth of their income was levied for church expenses, one-third of which was given to the care of the poor. Thus in the early period, the Church was made responsible for the for and aiding the poor. The church has been one of the principal factors through many centuries, its duties widening, the numbers of the poor increasing, until at the time of Elizabeth the state had to come to her assistance.

During the medieval period the feudal system gradually progressed until it reached its height in the thirteenth century. The church was feudalized as well as the land. It was during the success of this system the landlords were responsible for the care of the poor and needy. Thus the almost universal possession of some land made it possible for the poorest to avoid starvation. The extent to which custom governed all payments, services, and rights, prevented much depression.

Under feudalism there was no need of public relief. The mass of the people bound to the soil was cared for by their lords. The little relief needed in the towns was given by the church through monasteries and hospitals. The methods used by these institutions often aggravated rather than remedied conditions. There grew up a large dependent class of people around the monasteries. Bliss in his "Encyclopedia of Social Reform" says "when mendicancy was no disgrace, almsgiving was likely to be considered the most necessary and most ordinary of virtues". He also states "the monasteries supplied the want which the poor law two generations after dissolution of these was enforced".  
(c)

The characteristic form of poor relief in the fourteenth century

(d) "Statutes at Large" Vol. III p. 9

(e) Bliss' "Encyclopedia of Social Reform" p. 435

was the hospital. These institutions were not only supported by the church but also by individuals as well. The purpose of both was to "sustain impotent women, and lazars, men out of their wits, and poor women with child, and to nourish, relief and refresh other poor people in the same", <sup>(d)</sup> thus serving as alms-houses. It was not until 1414 during the second year of the reign of Henry V, that the king ordered the ordinaries to inquire of and reform the foundation, estate, and government of the hospitals, and make corrections. These agencies formed the connecting chain between the great monasteries and private charity. With increased wealth they became corrupt and began to decay.

Nor are the monasteries and hospitals, the only form of relief for the poorer classes during the thirteenth and fourteenth centuries. The Mendicant Orders began to flourish. They broadened monasticism still farther and formed working classes into half-monastic societies, which did not necessitate celibacy or isolation. They wandered around instructing people and ever ready to relieve any need or distress, giving alms indiscriminately.

The conditions of England, as well as other parts of Europe were changed as a result of the Crusades. These Crusades exercised a profound influence upon kings, emperors, popes, the relation of church and state, the development of literature and education and art. It was the cause of classes breaking up and bringing together of nations. It established commerce and industry, also <sup>(e)</sup> helped to develop new lines in manufacturing and agriculture. Manufactures thus necessitated the growth of large towns. These economic changes had their effect upon the poor, both for better and for worse. The Crusades were the means of offering opportunities for some of the unemployed to leave the country and of opening

(f) Bliss' "Encyclopedia of Social Reform" p. 175.

(g) Cheyney's "Industrial and Social History of England"  
pp. 97-107.



up larger possibilities for work for those who remained at home.

As we look upon England prior to the fourteenth century with the feudal system developed to its utmost, the monasteries and churches at the height of their prosperity, the condition of the poor relieved to a great extent by these various institutions, perhaps the worst calamity we have to deal with is the Black Death of 1348-1350. Moreover it may be said that it was one of the leading features causing the economic revolution which followed and increasing the number of poor people. This terrible scourge carried off one-third of the population of the English, causing scenes of horror and desolation. <sup>(f)</sup> Traill in his "Social England" even gives the numbers as great as one-half of the population. The greatness of the fatality of the disease is thought to be due to the close arrangement of the houses in the villages along narrow streets, promiscuous life in the monasteries and inns, and uncleanly habits. <sup>(g)</sup> For these reasons the poorer classes yielded most readily to the disease.

One of the immediate results was the great scarcity in the number of available labors. The landlords were compelled to hire labor and because of the scarcity of such, the demands of the laborers increased enormously. According to Bliss "Encyclopedia" the wage of the agricultural worker increased fifty percent and skilled labor advanced even more. The landlords and nobles resented this greatly and without calling parliament sought the king to issue proclamations that all should abide by former prices, also that laborers should not leave the land, but it was of no avail. Work had to be done and the laborer sought the highest prices regardless of any proclamation.

This was followed however in 1349, during the twenty-third

(h) "Statutes at Large"Vol. III pp. 26-28.

reign of Edward III, by the famous Statute of Laborers issued by Parliament, which was its first attempt to regulate wages of the laborer or look after the unemployed. This law read as follows, "Every person able in body under age of sixty years, not having to live on, being required, shall be bound to him that doth require him or else be committed to gaol until he find surety to serve.

Ist. Take only the wages, livery, meed or salary, which were accustomed to be given in the places where he oweth to serve the XX. year of our reign of England, or five or six other common years next before. provided always that the lords be preferred before others in their bondmen or their land tenants, so in their service to be retained. So that, nevertheless the said lords shall no more than be necessary for them and if any man or woman being so required to serve, will not the same do that proved by two true men before the sheriff or bailiffs of our sovereign lord the King, or constable of the town where the same shall happen to be done, he shall anon be taken by them to remain under straight keeping, till he find surety to serve in form aforesaid. If a workman or a servant depart from service before the time agreed upon, he shall be imprisoned. Old wages and no more shall be given to servants. If lord of town or manor do offend against this statute in any point, he shall forfeit treble value. If any artificer or workman take any more wages than were wont to be paid, he shall be committed to gaol." <sup>(h)</sup>

THE condition of the laboring class following the dreadful calamity of the Black Death was indeed serious. The majority of the laborers demanded excessive wages or refused to work if they were not granted. As a result, the landlords suffered immensely. Either the land remained uncultivated or they had to pay enormous sums to get the work done. The supply of workmen had

(i) "Statutes at Large" Vol.II p.301

been greatly diminished but the amount of work to be done remained practically the same. Consequently those that could afford it preferred to pay the high prices.

The effect of the statute of 1349 was little felt. It came at a time when the people were in such a position that they did not demand its enforcement. Even the justices who were supposed to enforce it broke the law, in order to get help needed for the cultivation of their lands. The executive force were not strong enough to put it into control. They did not exact the fines and punishments as severely as they should have been, of those that disobeyed.

Again in 1360 the same law was passed with the exception, that instead of allowing those who disobeyed the law to offer fines, they were imprisoned and sent to gaol until they could "justify themselves". No one was to be let out on fine. However this met with no better success than the former, the majority continued as they pleased, demanding exorbitant wages.

Richard II in 1388 attempted to regulate conditions by stating the price each should receive at his various occupations, "the bailiff to receive 13 shillings 3 pence and his clothing at the most for a year's service; master hire, 10 shillings; carter, 10 shillings; oxherd, 6 shillings 8 pence; driver of the plough, 7 shillings at the most, and every other laborer and servant according to his degree".<sup>(1)</sup>

In this same manner, Parliament attempted to take part in seeing that the unemployed were put to work at reasonable wages. It was not a success as it is impossible to set a price on labor. The scarcity of laborers allowed him to demand his price or refuse to work. Legislation tended to keep the laborer in a state of servitude and prevent them from moving in search of better pay.



(k) Turner's "History of Vagrants and Vagrancy" p.33.

Thus in attempting to regulate these conditions are found the first steps in governmental interference.

Pegardless of laws passed there developed a class of people who wandered from place to place to sell their labor to the highest bidder. A great many of these were never employed and became known as the vagrant class. Turner in his "History of Vagrants" says vagrancy existed prior to the fourteenth century and its causes were numerous. "Some adopted it to escape slavery, some to save themselves from starvation or torture, some were compelled to adopt it because deprived of means of existence by incursions of Scotch and Welsh; some were driven to it by royal and baronial exactions; some by the afforestations of their lands and harsh forest laws; some were compelled by superiors to embark with them ~~in~~ in a course of robbery and plunders, and some no doubt adopted a nomadic life from force of evil examples or innate love of wandering or plundering. To set against all these incitements to vagrancy were two social gains, the cessation of foreign slave trade and the acquisition of freedom from servitude to which villeins became entitled if they had lived unclaimed a year and a day *"in a town."* (R)

On account of the lawlessness which prevailed during the reign of Edward II and Edward III, robbery and disorder appeared in spite of legislative measures. "The number of labourers wandering about to sell their labor in the best markets swelled the ranks and their idle habits naturally gave birth to other disorders. The number of free labourers had by this time increased, as in the year 1339, the king as a means of raising money, of which he was greatly in need, allowed a number of his bondmen to purchase their manumission, and this example was no doubt followed

- (l) Turner's "History of Vagrants and Vagrancy" pp. 42-43.
- (m) "Statutes at Large" Vol. II p. 29.
- (n) "Statutes at Large" Vol. II p. 264.

by numbers of the nobility who found themselves in similar  
(1)  
straits".

These conditions caused laws affecting beggars to be passed, which prohibited almsgiving to valiant beggars with intention of correcting the sedulous inculcation by the church of the duty of bestowing charity on all poor persons. The first law was passed during Edward III reign in 1349 read as follows "Because many valiant beggars as long as they may live of begging, do refuse to to labour ,giving themselves to theft and other abominations;none upon said pain of imprisonment shall under the colour of pity or alms, give any thig to such, which may labour or presume to favour them towards their desires, so that thereby they maybe compelled to labour for their necessary living". (m)

" Vagrancy however continued. This law provide for no relief of the poor,except that they shall labor. No work was provided for them. On account of the great numbers, the laws were not administered strictly. By appealing to the sympathies and goodness of the charities of the churches,monasteries,andprivate institutions, they were still enabled to live by begging.

The law passed during Richard II reign in 1383 enforced the previous law of Edward III and in addition "forbade vagrants wandering from place to place, running in the country more abundantly than were wont in times past"and gave power to justices of the peace and sheriffs "to inquire of all such vagabonds and their offences" and exact<sup>ss</sup> law. It also gave them "power to examine them diligently and compel them to find surety of their good bearing by sufficient mainpernors of such as to be destrainable. If unable to give surety, they shall be sent to next gaol and justices have power to do as best seems by law". (n)

(o) "Statutes at Large" Vol. II p.302.

(p) Ashley's "English Economic History and Theory" p.333



This was followed by another law during Richard II reign in 1388 which is said to be the beginning of the poor law, as it distinguishes for the first time between beggars able to serve and impotent beggars. However it makes no provision for the relief of the poor as will be seen in examining the law.

"Every person that goeth begging and is to serve or labour, it shall be done of him that departeth out of the hundred and other places aforesaid, without letter testimonial as aforesaid, except people of religion, and hermits having letters testimonial their ordinaries, and that of beggars impotent to serve, shall abide in the cities, and towns where they be dwelling at the time of the proclamation of this statute, and if the people of the cities or other towns will not or may not suffice to find them, then the said beggars shall draw them to other towns within the hundred, rape, or wapentake, or to the towns where they were born within forty days after the proclamation was made and then shall continually abide during the rest of their lives, and that all of them that go in the pilgrimage as beggars, and be able to travail, it shall be done as of the said servants and labourers, if they have no letters testimonial of their pilgrimage under the said seals. Scholars of universities that go begging shall have letters testimonial of their chancellor upon the same pain".  
(o)

In studying this law, it is seen that the care of the "impotent beggars" is given to local responsibility but there is no provision for the machinery to carry it out. This is a common fault of all the laws, for the next century and a half. They attempted "to force men to work who could work and in their own neighborhood and compel beggars who could not work to remain at home".  
(p)

(α) Ashley's "English Economic History and Theory" p.335.

Legislation had rested so far on the idea that there was sufficient employment at customary or "reasonable" wages in his own town or village or country, immediately around, to work. This assumption was true to a great extent of the rural districts. As the land lords were very prominent in administrative affairs, they considered the laws from their own point of view.

The problem of the unemployed had never presented itself to them. Both the government and legislature spoke in tones of moral indignation concerning vagrancy. The government desired to obtain labor and also at its old rates. Parliaments were composed of landlords. They interpreted the Statute of Labourers and Vagrants in various ways. "The sturdy beggar was on the one hand an idle rascal who deserved to be forced to work"; on the other hand "independent rustic who was merely seeking the best market for his labor".<sup>(q)</sup>

There is no doubt but that both views were correct. As "idle rascals" were probably the more numerous, it is possible that their influence upon some of the "independent rustics" in course of time would convert them into their class. Though the law attempted to force them to work, there being no provision for getting them work, the vagrancy laws so far have not been satisfactory.

The manorial changes in the fifteenth century added to the deplorable conditions of the poorer classes. Pasturing was being substituted for tillage on the demesne which comprised one-third to one-half of the whole arable area of the manor. Labor services had been commuted for money payments almost universally at this time. In this feudal system if the land<sup>money</sup>lord had the individual management of any of his land he might consider the demesne as such. Often times this consisted of acres intermixed with those

(r) Ashley's "English Economic History and Theory" p.273.

(s) Ashley's "English Economic History and Theory" p.274.

of tenants of the common fields. To enclose it would interfere with the symmetry of field tillage with the tenant. The landlord, in most cases however, was able to make some agreement with the tenant, usually to his advantage.

The effect of closing the demesne put out of employment the cottar and his helpers, who might struggle for a short time and then would have to give up to wandering and begging. Enclosing land in the freehold effected people very little as the tenant received the advantage. Money payments were considered advantageous to the tenant or labour as it made him free from serfdom, having more privileges and also giving him a chance to make on the margin of his work rather than giving the landlord the profit. By enclosing there was less need for additional labor, thus taking work from a class of people, most of whom were free, yet dependent on hiring their services for a living.

The enclosing of the "common pastures and waste" known as the commons caused the greatest discontentment among the tenants. The landlords in monopolizing what belonged to them (the tenants) fairly them of their lands. Their work was diminished by the substitution of pasture for arable farming" and they lost the rights, which custom had usually given them, to a modest share in the use of the common pasture."<sup>(r)</sup>

The manner in which the land lords caused the customary tenants to dispossess the land was either "in form of violent ousting of the sitting tenant, or of a refusal on the death of one tenant to admit the son who in earlier centuries would have been treated as his natural successor".<sup>(s)</sup>

An illustration of this is shown in More's "Utopia", That an covetous and unsatiable cormorante----may compasse aboute and inclose many thousand akers of ground together with one pole



(t) RObinson's "Translation in Aber's Reprints" p.4I.

or hedge, the husband be thruste oute of their owne, or else either by coneyne and fraude, or by violent oppression they be so weried that they be compelled to sell all".<sup>(t)</sup>

The manorial changes were most rapid between 1470 and 1530. It was the enclosure of the common fields which most vitally affected the condition of the poor people. Later in this paper laws trying to remedy this evil will be discussed. However it will be seen that they accomplished very little.

The importance of money rent has been shown in that it freed the tenant from the soil. It enabled him to pay rent in place of his services. The land lord was also satisfied as he needed the money. He did not need to give his careful attention to watch the tenant as was required when services were demanded. The substitution of money rents for personal services in payment for occupation of the land was the cause in promoting the complete divorce of the English agricultural laborer from the soil, which in modern times has been a source of evil. It freed the laborer from feudal dependence and servitude.

The growth in town life and organization began to increase. It is necessary to study the relation of these conditions to the poor people. The citizens or "burgers" were superior to men in the country. The burgesses were personally free and exempt from the taxes of the rural manors. Towns were distinguished from the country by trade and by their manufactures and handicrafts.

Guilds were organized by the merchants for protection, including all those engaged in business of selling. They were an organization controlling trade and industry; the members of which shared common expenditures. In this way competition was reduced.

These organizations were formed not only for the protection

(u) Ashley's "English Economic History and Theory" p.179.

(v) Ashley's "Economic History" p.154.

of their own members but also gave aid to the poor. Out of the merchant guild developed the craft guild. They existed as a rule, under town government. These organizations were at their height in the thirteenth and fourteenth centuries. They were able to carry on an expansion of trade which led to a change in the industrial organization which had its influence on the poorer classes.

Ashley says "The earlier craft guilds seemed to have been almost, if not entirely, secular in their objects and policy; many of the crafts which were late in acquiring a recognized corporate existence, a voluntary religious brotherhood was, as we have seen, the first form of organization they possessed; it was this brotherhood which was able afterwards to secure powers of supervision over the daily laborer of its numbers".<sup>(u)</sup>

"How far the religious guilds obviated pauperism in the Middle Ages and how far the confiscation of their lands really contributed to social distress, are intricate questions".<sup>(v)</sup> In regard to craft guilds, statements commonly made about the "companies or misteries or crafts" are devoid of foundation. The statute of Edward VI neither "abolished" nor "dissolved" nor "suppressed" nor "destroyed" the craft companies. It left all their corporate powers and rights intact, except so far as religious usages were concerned. Whether praised or condemned, the act must be recognized to be simply what it professed to be, the confiscation of revenues used for specific religious purposes; and in their action in this respect the rapacious courtiers of Edward VI certainly had the support of a considerable part of the town population.

The process of change of the craft guild system during the sixteenth century was very slow. THE disendowment of religion in

(x) Ashley's "Economic History" p. 158.

(y) Ashley's "Economic History" p.160.

(w) Ashley's "Economic History" pp.168-169.

the misteries evidently accelerated the transformation, however had it not been religion this change would have probably have come about in some other way, due to the deep underlying social and polical forces. <sup>(x)</sup> While on the one hand the gild system seemed to decay, on the other, there seemed to develop extended industrial operations. New operations began to appear in the old centers.

During the Tudor period the idea of a national trade arose to supplement the earlier conception of local groups and limited markets. During the latterpart of the sixteenth century, and the beginning of the seventeenth, two or three or even a dozen occupations united in one company. <sup>(y)</sup> This had begun sometime before in other countries, such as Germany and France. As time went on the combination became more and more hetrogenous.

The gild system was the means of developing the "burgeoise" as it protected them in their undertakings and acted as a substitute for a strong government. For a time it also succeeded in reconciling the intersts of consumers and producers. Due to the "economic conditions and consequently smallmarket for most commodities, the absence of mechanical aids to production, and the like, the gilds rendered a great service to the people and in an indirect way attempted to alleviate the conditions of the poor people of England". <sup>(w)</sup>

The debasement of currency had its influence upon the people. As a rule, it is a detriment rather than an advantage to the country. It is almost always cheaper to pay debts by means of loans and taxes than to tamper with the currency. It gives a delusive appearance to prosperity. Henry VIII was one of the worst to use this means to pay the expences of his extravagance. Several debasements had occurred, however between 1299 and 1464

(x) Trail's "Social England" Vol.III p.125.

(y) Ashley's "Economic History" p. 310.

but they seemed to have corresponded with the natural rise in in exchange of value of silver due to constant flow of precious metals to the East and the injurious flow to Rome. These had exercised a steadying influence on prices.

It was quite different with Henry VIII's debasements. They were rapid and on a great scale, causing complete disorganization. For an example in 1466, twelve ounces of silver, containing eleven and one-twelfth ounces fine silver and eleven-twelfth ounces alloy, was coined into 25 shillings. In 1527, the same amount and quality was coined into 37 shillings. That was followed by a series of fresh debasements both in weight and quality of silver until in 1551 coins were issued that contained less than one-seventh of the amount of silver contained in a shilling of 1527.

This caused a great rise in prices. As the wage of the lower classes remained the same, it caused a great many to fall over the line into poverty. The influx of silver from America had a similar effect. During the fifteenth and sixteenth centuries there was a great demand for precious metals for luxury and art. And again the rise in prices was much more rapid than the rise in wages. While wages rose fifty per-cent, the price of necessities increased one hundred per-cent.<sup>(x)</sup> This also caused the ruin of many branches of industry.

Next to the agrarian revolution, one of the most important causes for the increase of the poor and distressing conditions was the suppression of the monasteries. Though these institutions had done much to relieve the poor and the sick, it is also said they created poverty by indiscriminately giving which tended to perpetuate the evil of the government. According to Fuller, "The Abbots<sup>(y)</sup> did but maintain the poor which they made".



- (z) Ashley's "Economic History" pp.313-314.  
(Ibid p.397.)
- (a) Ashley's "Economic History" pp. 316-317.
- (b) Bliss "Encyclopedia" P.267.

Ratzinger says "The monasteries, hospitals," were without what is the first requisite for an orderly relief of the poor-unity, concentration, organization. Each hospital, each convent gave alms not only to the people of the district but also to all strangers who chose to apply, without having any power of control over them. Professional beggary even with the harshest laws could not be overcome".<sup>(z)</sup>

If this was the condition on the continent there is no reason to suppose that similar degradation of monastic almsgiving had not appeared in England. One should not conclude however that indiscriminate giving was necessarily taught by ecclesiastical doctrines, even though it was given through ecclesiastical agencies and influence.<sup>(a)</sup>

The dissolution of the monasteries rendered more apparent the burden of pauperism. Those that had managed to get a livelihood from wandering from one monastery to another were deprived of their resources and become a menace to society. The transference of monastic lands to private owners increased very largely the ~~the~~ area troubled by the agrarian changes. Bliss in his "Encyclopedia" says "the estates of monasteries are said over and over again to have comprised a third of the Knight's fee in England".<sup>(b)</sup>

The connecting link between the monasteries and private charities was the hospitals. At the time of the devastation of the monasteries, these were also affected. An evil which developed from these institutions was the fraudulent imitators, who went out begging in behalf of the hospitals, using gifts for their own benefits.

Henry V in 1414 realized that the hospitals had not been doing all they claimed to be for the good of the poorer classes and ordered investigations to be made.

(c) Traill "Social England" Vol. II p. 128.

Corrections and reformations were to be made according "to the laws of the holy church as to them belongeth".

The introduction of excessive rents, the removal of land from the land of customary tenants, the enclosure, the extension of sheep farming, all these deprived a great many families of home and employment. With the destruction of monasteries, a number of centers of pauperization had been destroyed. According to Traill's "Social England", Henry VIII suppressed 644 monasteries, 90 colleges, 2374 charities, 110 hospitals. "Eighty thousand persons were cast adrift from the monasteries alone, thus showing the aggravation of poverty".  
(c)

In studying the conditions which existed in England prior to the seventeenth century, the relief of the poor in the Middle Ages is marked by the following characteristics.

No attempt had been made by the state as a whole or by any secular public authority to relieve distress. This work had been left to the church. Assistance was given in the form of almsgiving by magnates, ecclesiastical and lay men, monasteries, guilds, and private persons, indiscriminately. No one seemed to take a comprehensive view, and so they exercised a pauperizing influence. Voluntary charity was found to be more abundant in the districts which needed it the least. The hard working poor would often find no relief at hand.

All of the medieval legislation, as was shown in examining the early labor and vagrant laws, aimed to lessen the demoralized vagrants. These laws may more properly be called vagrancy laws than poor laws. They merely attempted to prohibit the sturdy beggars without providing for the impotent. Thus great numbers received help who were undeserving.

- (d) Ashley "Economic History" p.340.
- (e) Ashley "Economic History" p.341.
- (f) Ashley "Economic History" p.344.

As Ashley says in his "Economic History", "Progress to sounder ideas was very slow. The first time it showed itself in Europe in any marked way was towards the end of the fifteenth century". (d)

It is clear the most crying need was to put an end to the old pauperizing system of indiscriminate charity. This could only be done by transferring the relief of the poor to public authorities, who were capable of investigating the character of each case. The two principles which needed to be recognized were, the duty of the state to undertake or supervise the relief of the poor, and the expediency of a stringent prohibition of begging (whether by sturdy or impotent beggars) from individuals. (e)

Conditions in Europe were about the same as those in England, perhaps a little more progressive. John Major of the Paris Nominalists in 1516 declared there should be no begging and provision should be made for the impotent. Luther in his "Manifesto", "The Christian Nobility of the German Nation" in 1558 advocated abolition of mendicancy and local responsibility. Zwingli at Zurich in 1525 also advocated the same ideas. Vives, a Catholic humorist, wrote a treatise "On the Relief of the Poor" in 1525, being printed in 1526. These factors are of peculiar interest to this work in that they show the growing public interest of the period. The rapidity in which this work was translated into Spanish, Italian, and French showed the desire for information on the subject. The destitute people are divided into three classes, (1) those sheltered in the hospitals and almshouses, (2) Homeless beggars, (3) honest and shame-faced poor abiding in their own houses, according to Vives treatise. (f)

In this work he insists on the need of an accurate census. The two principles guiding these diverse classes should be,

(g) Ashley "Economic History" p.345.

(h) Fowle's "Poor Law" p.5.

(i) Fowle's "Poor Law" p.8.

"all should be made to work who were at all fit for it; and begging should be absolutely forbidden. Those who are unable to work should find refuge in hospitals and almshouses".<sup>(g)</sup> The Reformation at Ypres in 1524 and 1525 was also important, following closely the lines laid down by Vives.

It was not merely the movement of thought abroad which led to a reform in the methods of poor relief in England. Conditions, as have been shown, presented themselves so as to demand attention. There was also a movement of reform in the churches and cities at about the same time. There was a marked increase of distress of every kind, during the first half of the eighteenth century, which are the results of a country with out systematic aid. Vagrancy and theft were carried on extensively. Indeed there was little encouragement to honest industry.

According to Fowle, the principles that make the institution of Poor Laws a necessary part of social organizations, are two, though inadequate, they have played an important part. The one is "the right of every peaceful and obedient member of society to the means of subsistence."<sup>(h)</sup> But to estimate its true value, remember that no man from moment of birth can enforce any claim to any rights except what some one or other, or society itself, chooses to allow him. The other contains two undeniable and important truths. It declares that the good of the community, and not the rights of the individuals, is the legitimate cause of legal provision for destitution, and it pays regard to the fact that in all countries Poor Law legislation has been devised, to meet certain plain and growing evils that were endangering the social fabric.<sup>(i)</sup>

In the thirteenth and fourteenth centuries when feudalism began to decline, state legislation was found necessary to



(j) "Statutes at Large" Vol.II p.344.

(k) "Statutes at Large" Vol.II p.433.

regulate conditions. Attempts were first shown in the Labor Laws which have already been discussed. Not until the fifteenth year of the reign of Richard II, in 1391, was there any provision made for the poor and the vicar. According to this law, "Because of divers damages and hindrances often times have happened and daily do happen to the parishioners of divers places, by the appropriation of benefices of same places ----- The diocesan of the place upon the appropriation of such churches, shall ordain, according to the value of such churches, a convenient sum of money to be paid and distributed yearly of the fruits and profits by those in charge-----to the poor parishioners of said churches in aid of their living and sustenance forever; also vicar be well and sufficiently endowed". (j)

This is the first instance of secular authority taking part in seeing that the church was provided to take care of its poor. During the fourth year of the reign of Henry IV, 1402, this law was reenacted and "put in due execution", and furthermore "if any church be appropriated by license of said King Richard or of our Lord, the King that now is,----The same shall be duly reformed according to the effect of the same statute-----and if such reformation be not made within time aforesaid, the appropriation and license be made void-----And furthermore a secular person be ordained vicar perpetual, canonically institute and induct in the same and convenably endowed by the discretion of the ordinary to do divine service and to inform the people and to keep hospital<sup>(k)</sup> ity there".

Henry V, in 1414, passed a law effecting the hospitals, which had become decayed. In this law he says, "For as much as many hospitals within the realm of England, founded so well by the noble Kings of this realm, and Lords and Ladies, both spiritual and

(1)"Statutes at Large" Vol.III pp.8-10.

and temporal, as by divers other estates, to the honor of God and his glorious mother, in aid and merit of the souls of the said founders to which hospitals the same founders have given a great part of their movable goods for the buildings of the same, and a great part of their lands and tenements, therewith to sustain impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same, be now for the most part decayed, and the goods and profits of the same, by divers persons, as well spiritual as temporal, withdrawn and spent in other use, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God, and peril to the souls of such manner of spenders; (2) the King, our sovereign lord, considering the meritorious and devout intents of the founders of the aforesaid, ordained and established, that as to the hospitals which be of the patronage and foundation of the King's commissions, to them directed, shall inquire of the manner and foundation of the said hospitals and all the goverance and estate of the same, and of all other matters necessary and requisite in this behalf and the inquisition thereof taken shall certify in the King's Chancery. (3) And as to other hospitals which be of another foundation and patronage than of the King, the ordinaces shall inquire of the manner of the foundation, and of all other matters and things necessary in this behalf, and upon that make thereof correction and reformation according to the laws of Holy Church

(1)

as to them belongeth.

The legislative efforts put forth, criticized present conditions and attempted to reform because of the inefficiency of competent persons to take charge of the work, very little was accomplished.

(m) "Statutes at Large" Vol.III p.55.

(n) Young's "Labor in Europe and America" p.II5.

However each effort put forth was a step in advance in accomplishing the desired result, though sometimes it seemed<sup>as if</sup> almost contradicted this statement.

Conditions, as has been shown, were of such a nature, that they tended to increase the number of vagabonds and poor people. It was much easier to live off of the help and goodness of others than to earn their own living. Henry VII, in 1494, thought he would attempt to prevent such idleness by inflicting severe punishments, as is shown in the following law.

"Vagabonds, idle and suspected persons shall be set in the stocks three days and three nights, and have none other sustenance but bread and water, and then shall be put out of town; (2) and whosoever shall give such idle persons more, shall forfeit XII<sup>d</sup>. (3) Every beggar not able to work shall resort to the hundred where he last dwelled, is best known, or was born and there remain upon the pain aforesaid".<sup>(m)</sup>

This law continued until the thirty-third year of Elizabeth's reign. The result of this is seen by the cruel punishment which some received. As a means of relieving the distressed conditions it helped very little.

The dissolution of the monasteries in the reign of Henry VIII aggravated the evils already dominant. Ecclesiastical authorities were so far shorn of power and wealth at the Reformation, they were no longer able to take a substantial part in the work of providing for the poor. The inability to discharge their duty had<sup>(n)</sup> long been evident.

In order to relieve conditions, an elaborate act of 1531 was passed concerning the punishment of beggars and vagabonds.

(o) "Statutes at Large" Vol. IV p. 207.

(p) Young's "Labor in Europe and America" p. 115.

(q) Traill "Social England" Vol. II p. 251.

Indeed it was almost wholly repressive. The sole object was to limit begging. It also recognized charity of the church insufficient. According to the law of 1530 "The justices of peace in every county, dividing themselves into several limits, shall give license under their seal to such poor, aged, and impotent persons to beg within a certain precinct, as they shall think to have most need; and if any do beg without such license or without his precinct, he shall be whipped or else be set in stocks three days and three nights with bread and water only. And a vagabond taken begging shall be whipped and then sworn to return to the place where he was born or last dwelt by the space of three years and there to put himself to labour".<sup>(o)</sup>

In this law the distinction between the impotent, or aged, and vagabonds is more clearly drawn. If the police regulations had been adequate to preserve order, these laws might have accomplished something. As an example of disorder, Harrison says "seventy-two thousand great and petty thieves were put to death during the reign of Henry VIII". The increased number of vagabonds is thought to be due to the Revolution in land tenures which occurred under Tudor dynasty.<sup>(p)</sup>

In this law of 1530, no provision was made for the relief, the employment, or reformation of the vagabond when he reached his native land. They were based on the fact that voluntary effort was efficient which was a false assumption.<sup>(q)</sup> The statutes theoretically would have desired effect of lessening the existing evils and lessening the poor, but practically they accomplished very little.

Not until the Act of 1536 were positive measures for relief found. According to this act "All Governors of shires, cities, hundreds, hamlets, towns, and parishes, shall find and keep every aged



(r)"Statutes at Large" Vol.IV p.387.

poor and impotent person, which was born or dwelt three years within the same limit, by way of voluntary and charitable alms in every of the same cities and parishes, with such convenient alms as shall be thought meet by their discretion, so as none of them shall be compelled to go openly in begging and also shall compel every sturdy vagabond to be kept in continual labor.

(2) Children under fourteen years of age and above five that live in idleness, and be taken begging may be put to service by the governors of the cities, towns, etc., to husbandry, or other crafts, or labours. (3) A valiant beggar or sturdy vagabond, shall at the first offence be whipped, and sent to the place where he was born or last dwelt by the space of three years, there to get his living, and if he continue his roguish life, he shall have the upper part of the gristle of his right ear cut off; and if after that he be taken wandering in idleness, or doth apply to his labour, or is not in service with any master, he shall be adjudged and executed as a felon. (4) No person shall make any open or common dole, nor shall give any money in alms, but to the common boxes, and common gatherings in every parish, upon pain to forfeit ten times as much as shall be given<sup>(r)</sup>".

For the first time the impotent poor were to be relieved by voluntary alms collected by civil authorities and able-bodied men were to be set to work. This law directs how relief shall be administered and how funds shall be raised. Furthermore it establishes the responsibility upon the parish for its own poor. This marks the transition from ecclesiastical to secular system.

"The chief event of Henry's reign which unquestionably led to the greatest improvement in the condition of the people was the Reformation or rather the emancipation of the kingdom from the

- (s) Nicholls' "History of English Poor Relief" p.126.
- (t) "Statutes at Large" Vol.V p.246.

(s)  
 thralldom of papacy". It was in 1536 that England severed its connections with the see of Rome. Moral standards of the people were very low, due to some degree perhaps to the nature of religious instruction imparted to them.

During the reign of Edward VI the vagrancy laws were made more cruel than ever before. Until this time, the statutes for punishment had not been a success, because out of pity for them the laws were not enforced. The long accustomed idleness of persons given to loitering, if punished by death, whipping, imprisonment, and with other corporal pain, would not be without deserts for the example of others and to the benefit of common wealth, yet if they can be brought to be made profitable and do service, it were to be much wished and desired." (t) Extreme severity was soon found to be the wrong method of treatment. The statute of 1530 was revived, which shows how impotent and aged persons shall be relieved, and vagabonds punished, and all other statutes repealed. Amelioration in the laws dealing with the helpless poor is marked by the act of 1551. Poor relief was still considered a function of the church. This the civil authorities were not accustomed to enforcing this part of legislation.

"The Act of 1551, in Edward VI's reign, directs that in every city, town, and parish, a book shall be kept by the parson, vicar or curate, and the church-wardens, containing the names of the householders, and of the impotent poor; and that the mayor and head officers in towns, and the parson and church-wardens in every parish, shall yearly in Whitsun week, openly in the church, and quietly after Divine service, call the householders together, and shall elect and appoint two able persons or more to be collectors of the charitable alms of the residue of the people for

(u) Nicholls' "History of English Poor Relief" pp. 135-136.

the relief of the poor. And the Sunday next, or Sunday following, when people are at church, "the said collectors shall gently ask and demand of every man and woman what they of their charity will give weekly towards the relief of the poor, and the same is to be within the same book. And the collectors shall justly gather and truly distribute the same charitable alms weekly to the said poor and impotent persons without fraud or covine, favour or affection, and after such sort that the more impotent may have the more help, and such as can get part of their living have the less and by the discretion of the collector to be put in such labor as they be able to do; but none are to go or sit openly begging, upon pain limited in the aforesaid statute". "If any person being able, shall obstinately and frowardly refuse to give towards the help of the poor, or willfully discourage others from so charitable a deed, the parson and church wardens are to exhort him gently, and, if he will not be so persuaded, then the bishop is to send for him, to induce and persuade him by charitable ways and means, and so take order according to his discretion. No person elected and nominated to the office of collector is permitted to refuse to execute the same for one whole year, upon pain of forfeiting twenty shillings to the alms box for the poor. And the collectors are to account quarterly to the town and parish authorities, at which accounting such of the parish as will may <sup>be</sup> <sup>(u)</sup> present".

This is the last statute passed in Edward's reign having immediate reference to the poor, and it leaves the law nearly the same as it was at his accession, the chief difference being an improved organization for the collecting of alms and distributing relief, the necessity for which, in the absence of any established provision had now, it must be presumed, become very urgent.

(v) Nicholls "Poor Relief" p.136.

The officers designated for this purpose have a close resemblance to the overseers of the poor not long afterwards appointed in every parish, and of whom these collectors maybe regarded as the precursors.  
(v)

Other conditions which affected the poor were the high price on food and combinations of workmen, not to meddle with another's work, but also not to appoint how much work was to be done in a day, and the time of doing it. It was necessary to put them down by strong penal enactments.

The question of tillage was also brought before the people in 1551 and an act was passed "for the maintenance and increase of tillage and corn". The anxiety manifested for increasing the supply of corn shows however that the consumers of corn had increased in number, or else that each required a larger quantity. In all probability both causes existed. Population had increased, people lived better, and their general conditions was improved.

In the reign of Mary, 1555, the act concerning beggars, vagabonds, idle persons, was revived from 22 Henry VIII and 5 & 6 Edward VI. The relief for the aged and impotent poor of every parish was to be gathered weekly of the charitable devotion of inhabitants. This act also reverted to the earlier plan of licensing the deserving beggars. Moreover such licensed beggars are to wear openly, on the breast and back of their outermost garment, some notable badge or token assigned by the parish authorities with the assent of the justices. Hospitals and alms houses still survived to perform their old functions, though they did not give doles to outsiders.

Very little constructive work was done either under Edward VI or Mary's reign to meet the increasing difficulty.



to Elizabeth and her advisers to build up a system for relief of the poor which was at once secular and national. Effective machinery for dealing with the poor was pressing, pauperism obtruded itself more than ever in England and the continent as well.

The chief or leading circumstance of Mary's reign was her unceasing endeavor, from the hour she ascended the throne, to put down every vestige of the Reformation and to reestablish popery. She spared no effort in accomplishing her object. Means the most cruel and which, earned for her the unenviable title of "Bloody Queen Mary", were resorted to, to alarm the timid and to punish obstinate; and the struggle ended, as such struggles for the most part have ended, in weakening that which it sought to uphold, and strengthening that which it endeavored to destroy. A great positive good was worked out of a great apparent evil; by series of opposing influences, such as the history of the world shows are often called into action by Divine Providence for its own beneficent purposes.

The break up of feudal society, disbanding of retainers and of mercenary troops increased vagrancy. Special causes affected England, progress of enclosing in the Tudor reigns, accompanied by depopulation and addition of fresh bands of recruits to armies of beggars. Dole dispersed in monasteries may not have helped much but the sudden cessation of these at the dissolution set loose a crowd of idlers to prey upon society at large.

Frightful prevalence of vagrancy called for stern restrictive measures. There was no public demand for increased provision for impotent poor. The chief legislative changes in the earlier part of Elizabeth's reign consisted in complete substitution of civil for ecclesiastical authority of overseers and justices for church

(w)"Statues at Large" Vol.VI pp. 158-159.

wardens and bishops to provide for the relief of the poor.

In the first year of Elizabeth's reign, 1558, the statute of 1555 continued. It was not until five years later the subject came up again for consideration. The act of 1562 has the same preamble as the last statute of Edward VI and that of 2<sup>nd</sup>. and 3<sup>rd</sup> Philip and Mary. It also confirms the act of Henry VIII in his twenty second year of his reign.

By this act "no one was allowed to openly go begging and if if any parishioner shall obstinately refuse to pay reasonably towards the relief of said poor, or shall discourage others then the justices of the peace at the quarter sessions may tax him to a reasonably weekly allowance, which if he refuse to pay, they may commit him to prison and if any parish have in it more impotent poor persons than they are able to relieve, then the justices of the peace of the county may license so many of them as they shall think good, to beg in one or more hundreds of the same county. And if any poor beg in any other place than licensed, he shall be punished as a vagabond, according to the statute of 1530".<sup>(w)</sup>

According to this act magistrates were empowered, if the bishops' exhortation failed to insist on obtaining weekly contributions from persons who neglected the duty of charitable almsgiving. This is the first instance in which the government authority was used to enforce the collection of alms. It also provides for the appointment of collectors of alms, for the licensing ~~the~~ poor to beg in cases where parish was overburdened, and also requires beggars to wear badges on their breasts and backs. Furthermore any person being able who refuses to give alms, shall be exhorted and persuaded by the clergy. When voluntary aid fails, compulsory means is necessary. A penalty of ten pounds is placed upon those

(x) Nicholls "Poor Relief" p.157.

who refuse to contribute to the relief of the poor. This is the first instance of a compulsory assessment for the relief of the poor, and is of marked importance in the history of the Poor Law.

The power to assess and tax can only be exercised after a tedious and circuitous process of exhortation and persuasion, first, by the church wardens, then by the parsons and after by the bishop, and then upon the failure of success, and the same being certified to the justices, these last are likewise to try persuasion before they resort to compulsion. Still after all these preliminaries have been gone through, the justices are empowered to assess and levy, according to their good discretion from all those who refuse voluntarily to contribute towards the relief of the poor; and the important principle that property is thenceforward to be held subject to the needful relief of the destitute, is thus formally sanctioned by the legislature".<sup>(x)</sup>

This act concerning "the Relief of the Poor" was followed by one entitled "An act touching divers orders of Artificers, Labourers Servants of Husbandry and Apprentices", which aimed to prevent destitution and mendicancy by forcing employment upon every one of age and having the ability to work. Attempts were also made to regulate the price of labour and to effect distribution, which were impossible because they are governed by the great principle of supply and demand. However the conditions of the laboring class seem to becoming better.

Ten years later in 1572 a long, minute and highly important statute was passed. It is entitled "An Act for the Punishment of Vagabonds and for the Relief of the Poor and Impotent" and begins in the usual style, by declaring that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and

(y) "Statutes at Large" Vol. VI p. 299.

(z) Nicholls "Poor Relief" pp. 161-162.

(a) "Statutes at Large" Vol. VI p. 299.

sturdy beggars exceedingly pestered, by means whereof daily happen horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God and to the great annoyance of the common weal".<sup>(y)</sup> It expressly repeals the statutes of the twenty-second year of Henry VIII's reign, and the third and fourth years of Edward VI's reign, and the fifth year of the present reign, in fact it repeals all preceeding enactments on the subject, for the purpose of framing a complete and comprehensive law "for the utter suppressing of said outrageous enemies to the common weal as for the charitable relieving of the aged and impotent poor people".<sup>(z)</sup>

The license granted to beggars during Philip and Mary's reign and also continued in the first of Elizabeth's reign had probably by this time produced its natural fruit, which led to the great increase of vagabonds. According to the Act of 1572, "A vagabond above the age of fourteen years shall be adjudged to be grievously whipped and burned through the gristle of the right ear with a hot iron of the compass of one inch, unless some credible person will take him into service for a year, and if being of the age of eighteen years, he after do fall again into a roguish life, he shall suffer death as a felon, unless some credible person will take him into service for two years. And if he shall fall a third time into a roguish life, he shall be a felon".<sup>(a)</sup>

The revival of such extreme severity may be accounted for by the alarming increase of evils against which legislation at that time was directed. The designation of "rogues, vagabonds, and sturdy beggars, who are subjected to the above penalties, is by this Act defined to include idle persons going about and using subtle craft and unlawful games, and all persons whole and

(b) "Statutes at Large" Vol. VI p.300.  
(Nicholls p.163.)

(c) "Statutes at Large" Vol.VI p.301.



and mighty in body, but having neither land nor master, ~~nor~~ able to give an account of how they get their living, and all common laborers using loitering and refusing to work for the wages commonly given. Any person harbouring or giving money, lodging, or other relief to any such rogue, vagabond, or sturdy beggar, 'either marked or not marked', is declared liable to a fine of twenty shillings; and if any person do disturb or let the execution of this Act, he is to forfeit five pounds, and be subject to imprisonment at the queen's pleasure. (b)

Furthermore this Act makes provision for the poor aged and impotent persons, as well as repressing rogues, vagabonds, and sturdy beggars, and finding convenient abiding places for the aged and impotent poor people to settle themselves, so that none of them should hereafter beg or wander about. To which end it is directed that justices of the peace within their respective divisions, are to make "diligent search and inquiry of all aged, poor, impotent, and decayed persons, born within their said divisions, or which were their dwelling and living by alms within three years preceeding, and make a register-book, containing their names; and when the number of such poor people shall thus be truly known, the justices are to appoint, within every of their said several divisions, meet and convenient places to settle the same poor people for their habitations and abidings, if the parish within which they shall be found does not provide for them." (c) The justices are required "to ascertain the necessary amount of weekly charge for the relief of the poor and the sustenance of said poor people and according to their good discretion to tax and assess the inhabitants dwelling within the said divisions to such weekly charge as every of them shall contribute, and to appoint persons to collect and gather

(d) "Statutes at Large" Vol. VI p. 301.

the same, and make delivery thereof to the said poor people as the justices shall appoint; and they are also required to appoint overseers of the poor, to continue in office for one whole year; and if any person so appointed shall refuse to act, he is required to forfeit ten shillings.

The same act provides, "that if any person being able to further this charitable work, shall obstinately refuse to give towards the help and the relief of the said poor people, or shall willfully discourage others from so doing", he shall be brought before the justices to show the cause of such refusal, and abide such order therein as the said justices shall appoint; and if he refuse to do, then he is committed to gaol until he be content to obey such order. Persons aggrieved by taxation under this act may appeal to the next general sessions of peace. To provide against the time when conditions of parish or town are such, that they are unable to afford needful relief "to the poor, lame and impotent persons," the act provides that, where collection of money cannot be presently had, justices in session may license some of the poor to ask and gather alms, within any other town, parish or parishes of the county; "and the inhabitants of every such town, parish or parishes, to which such poor or impotent persons shall be so appointed, shall be coerced and bound to relieve the said poor in such sort as the justices shall appoint".<sup>(d)</sup>

In providing for the infirm and impotent poor, the legislature did not overlook the necessity for its due limitation. The act directs that any of said poor persons, who are not so diseased or impotent but that they may do some manner of work, "shall be by the overseers of their said abiding place, appointed to work"; if they refuse "they are whipped and stocked for first refusal

(e) "Statutes at Large" Vol. VI p. 301

and for second refusal, to be punished as in the case of vagabonds in the first degree". With like prudent severity, the Act provides "that if any of the said poor people refuse to be bestowed in the abiding place appointed of the said justices, but covet to hold still to their trade of begging, or after the be once bestowed in the said abiding place do depart and beg", then the person so offending is, for the first offence, to be counted a rogue or vagabond in the first degree; and if he a second time offend he is then to "suffer as a rogue or vagabond in the last degree of punishment set forth by this Act in all points; that is he shall suffer (e) as a felon.

If any surplus money should remain after caring for the poor and impotent people, the justices shall in a convenient place within their shires "place and settle to work the rogues and vagabonds that shall be disposed to work, there to be holden to work by oversight of the said overseers, to get their livings, and to live and be sustained only upon their labor and travail".

The resorts, Bath and Buxton, had become overcharged by numbers of poor and diseased people who had come thither for some ease and relief of their diseases. Because of this overcharge, it was necessary to pass a law allowing no one to resort there unless he had secured a license from the justices of the county. This merely shows the spirit and manner of the times.

The whole Act of 1572 was framed with great care. It comprises all of the chief points of Poor Law legislation suited to the period. In comparing Acts of 1562 and 1572, by the former, the justices were empowered to assess and tax at their discretion such persons as refused to give voluntarily. By the latter Act,

(f) "Statutes at Large" Vol. VI p.311.

the justices were to ascertain weekly charge and were given power to tax the whole inhabitants of the division, likewise to appoint collectors and overseers to gather the money and superintend the application. If any division was too poor, others were taxed to relieve them. If any surplus remained, it was applied to setting the idle and able-bodied poor to work. These steps show advancement over the former. It is true that the Act of 1562 indicated the same ideas although circuitously and inferentially, though not positively. This indefinitiveness was due to its defectiveness.

The Act of 1572 gives power of imposing the rate when necessary and also the authority to apply portion of amount levied to setting the able-bodied poor to work. The principle of this statute was enunciated with clearness, its outlines were boldly sketched, the filling was defective, however it continued very satisfactorily for twenty-five years with some amendments made four years later.

The law of 1576 was enacted "For some better explanation, and for some needful addition to the Statute concerning the Punishment of Vagabonds and the Relief the Poor, made in the fourteenth year of the Queen's Majesty's Reign". And "First concerning bastards, begotten and born out of lawful matrimony (an offence against God's law and man's law), the said bastards being now left to be kept at the charge of the parish where they were born, to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish, and to the evil example and encouragement of leud life<sup>(f)</sup>". Justices are directed to take order for punishment of the mother and reputed father of every such bastard child at the expense of mother or father who must make a weekly payment or other needful sustentation, as shall seem fit. If either person fails to obey the order, they may be committed to

(g) "Statutes at Large" Vol.VI p.311.

(h)"Statutes at Large" Vol. VI p.311.



gaol, unless security is given.

This important measure was the commencement and is still regarded as the basis of the bastardy law, although considerable changes have been made with the view of "modifying or more clearly establishing the liability of one or both the parents".

The next important provision of the Act commences "To the intent youth who maybe accustomed and brought up in labour and work, and then not grow to be idle rogues; and to the intent also that such as be already grown in idleness, and so are rogues at present, may not have any just excuse in saying that they cannot get any service or work, and be then, without four or toleration, worthy to be executed; and that other poor and needy persons, being willing to work, maybe set to work"<sup>(g)</sup>. It is then enacted, that in every town corporate, and likewise in every market-town or other place which the justices of peace may in genral sessions appoint and order, a competnt stock of wool, hemp, flax, iron, or other stuff, shall be provided by taxation of all the inhabitants within the several limits. The said stock is to be committed to the custody of such persons as the mayor, bailiff, or other head officers of the cities, and corporate towns may appoint, and in other places to such persons as shall be appointed by the justices. The persons so appointed are to be called "the collectors and governors of the poor" and they are empowered "with the advise of them who do appoint them", to order and direct the division and manner of working of the said stock, so as that every poor and needy person, old or young, able to work, and standing in necessity of relief, shall not for want of work go abroad begging or committing pilfering, or living in idleness"<sup>(h)</sup>.

(k) "Statutes at Large" Vol.VI p.311

(1) "Statutes at Large" (Nicholls p.171.)

The "collectors or governors" are to deliver these materials to the poor people to be worked up and when the same is remitted they are to be paid "according to desert of the work"; the articles are to be sold and money applied to purchasing "more stuff in such wise that the stock shall not be decayed in value". If any poor person refuse to work and goes abroad begging or living idle, he is to be taken to one of the "houses of correction hereafter to be provided, there to be straightly kept as well in diet as in work, and also punished from time to time, as the persons having the oversight and government of the said house of correction shall appoint".<sup>(k)</sup>

With respect to "the houses of correction", it is directed that in every county, one, ~~extwo~~, or more abiding houses or places convenient, by appointment and order of the justices in general sessions, shall be provided, and be called the house or houses of correction, and also stock and store, and the implements for setting to work and punishing, "not only those which by the collectors and governors of the poor for the causes aforesaid shall be brought, but also <sup>such</sup> as be inhabiting in the parish, or taken as rogues, or once punished as rogues, and by reason of the uncertainty of their birth or their dwelling for three years, or for any other cause, ought to be kept within the same county".<sup>(1)</sup> The said houses of correction, with stock, stores, and implements, are to be provided in every county by a tax levied and gathered from the inhabitants, by order of the justices within their several authorities. Two years are allowed for carrying the Act into effect, failing in which the money levied is to be returned; and any person refusing or neglecting to pay the tax so ordered, is to forfeit double the amount. The justices in general sessions are empowered to

appoint "censors" and "wardens" of every such house of correction, who are to have rule and government thereof, according to the orders of the justices; they also appoint collectors for the gathering of the money to be taxed; if any one appointed refuses to fill the office of collector, or governor of the poor, censor, or warden, he forfeits five pounds. They are to make a "just and true account", whenever called upon under penalty of committal, without bail or mainprise. Any poor or impotent person who had been relieved within their parish but who was found to "wander abroad loitering and begging", on first offence, was to be whipped and returned home. If found second time, to suffer as a rogue in the first degree; and if he offend the third time, to suffer in all respects a rogue and vagabond.

These two Acts of 1572 and 1576 are of great importance not only in the way they dealt with the bastardy and vagrancy, but also because of the comprehensive views taken with respect to the relief of the poor, mode of administering such relief, not seen in the early statutes. A great deal was expected in these Acts, from the aid and co-operation of the public and in this confidence they provided for their continuance for seven years.

These statutes with certain modifications established by Elizabeth in 1593 continued to be the law of the land for more than twenty years, until they were altogether superseded in 1597.

Although they were then repealed, these earlier statutes of Elizabeth's reign possess a great historical interest, embodying the opinions prevalent at the time, and exhibiting one of the marked gradations through which the Poor Law legislation passed.

(m) "Statutes at Large" Vol.VI pp.433,437.

(n)"Statutes at Large" Vol.VI p.439.

The Act of 1593 modified the previous one of 1576 to the extent that "Every parish shall be charged with weekly sums towards the relief of sick, hurt, and maimed soldiers and mariners." So much of the statute of the fourteenth year of Elizabeth's reign, cap. 5, concerning the setting of the poor on work, and for avoiding idleness, as concerneth the punishment of vagabonds by gaoling, boring the ear, and death in the second degree, and every matter, clause, article and provision in said statute concerning the same, shall be repealed, cease and be void. Anything in statute contained to the contrary notwithstanding<sup>(m)</sup>".

That part of the Act of 1530 concerning the care of poor and impotent and the punishment of vagabonds was revived. In order to gain aid from the public and be able to receive their donations, this clause was enacted. "It shall be lawful for every person for and during the space of twenty years next ensuing to make feaffments, grants, or any other assurances or by last will in writing to give and bequeath in fee-simple as well to the use of the poor, as for the provision, sustentation, and maintenance of any houses of correction or abiding places, or of any stocks or stores, all or any part of such lands, tenements, and hereditaments, and in such manner and form as he might have done to and for the provision, sustentation or maintenance of any houses, or of any stocks or stores by force of said statutes"<sup>(n)</sup>.

The Act of 1597 is considered as the most important in the formation of the final Poor Law of 1601. This Act provides for the overseers of the poor in every parish. The church wardens are declared to be overseers ex officio. During Easter week the justices are empowered to appoint four others, whose duty it shall be to set to work children, married and unmarried who have no means of

(o)"Statutes at Large" Vol.VII p.3-4.

(p)"Statutes at Large" Vol. VII pp. I, 30-37.

support, and furthermore "to raise weekly or otherwise by taxation of every inhabitant, and every occupier of lands in the said parish, in such competent sum and sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron, and other necessaryware and stuff to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old blind, and such other among them being poor and not able to work; and also for putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the said parish; and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises as to them shall seem convenient".<sup>(o)</sup>

The overseers are directed once a month in the parish upon the Sunday in the afternoon after Divine service "to consider of some good course to be taken, and of some meet orders to be set down in the premises. Within four days after the end of their year of office, they are to give to the justice "a true and perfect account of all sums of money by them recieved or rated and cessed and not recieved", also of such stock as shall be in their hands, and all other things concerning said office "upon pain to forfeit for every default twenty shillings". The overseers are also empowered to levy by distress and sale under a warrant from two justices, the sums of money of every one that shall refuse to contribute according as they shall be assessed, as well as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the surplus; and in defect of such distress, the justices may commit the offender to prison until<sup>(p)</sup> payment be made.

The justices are likewise empowered to "rate and assess any



(a)"Statutes at Large" Vol.VII pp.30-32.

(r)"Statutes at Large" Vol.VII p.32.

other of other parishes" in aid, if they perceive the inhabitants of any one are not able to bear the burden of taxation. With the consent of two justices, the church wardens and overseers may bind poor children to be apprentices, till the age of twentyfour, if man-child, and twenty-one, if woman-child. It also follows Act of 1572 in providing that persons finding themselves aggrieved with any sess or tax may appeal to quarter sessions. <sup>(c)</sup>

This Act establishes the highly important principle of mutual liability of parents and children, by enacting "that the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county where such sufficient persons shall dwell, or the greater number of them at their general quarter sessions shall be assessed; upon pain that every one of them shall forfeit twenty-shillings for every month which they shall fail therein". <sup>(r)</sup>

It is to be noticed that in all these acts the legislature have been governed by kindly and benevolent feelings toward the really poor; however there is one provision of an opposite character which says "no person or persons whatsoever shall go wandering abroad and beg in any place whatsoever by license or without, upon pain to be esteemed, taken, and punished as a rogue". This seems severe and at a variance with the other provisions of the Act. A proviso is added excepting from such penalty "any poor people which shall ask relief of victuals only, in the same parish where they do dwell, so the same be in such time only, and according to such order and direction as shall be seen of the poor of

(s) "Statutes at Large" Vol.VII p.I.

(t) "Statutes at Large" VolVI p.3II; Vol. VII p.I.

the same parish, according to the true intent and meaning of this Act".<sup>(s)</sup> It may be presumed the penalty was enforced only in case of a notorious and profligate offenders.

This Act approximates very closely to that passed four years later in 1601 which still continues in force and is the foundation of the English Poor Law of the present time. The Act just discussed dealt with the Relief of the Poor. Its fellow Act 39th Elizabeth cap. 4 is an "Act for the Punishment of Rogues, Vagabonds, and sturdy Beggars". Though their objects are dissimilar, there can be no doubt that they were considered at the time as essentially connected, and as being each necessary to the other. The two classes of people intermingled, so that it was questionable how to determine the "needy poor" and the "rogue, vagabond, or sturdy beggar".

This Act, 39th Elizabeth cap. 4, commences by repealing "all former statutes made for the punishment, or sturdy beggars, or for the erection or maintainance of houses of correction", from which may be inferred that previous enactments had failed of the desired effect. Power is given to the justices to erect one or more houses of correction within their several counties or cities; and also to make orders from time to time "for the providing of stocks of money and all other things necessary for the same, and for raising and governing the same, and for correction and punishment of offenders thither to be committed".<sup>(t)</sup> Those accounted "rogues, vagabonds and sturdy beggars", comprised "all persons calling themselves scholars going about begging; all sea-faring men pretending losses of their ships and goods on the sea; all idle persons going about either begging or using any subtle craft or unlawful games and plays or feigning to have knowledge physiognomy, palmistry, or other like crafty science, or pretending they can tell destinies,

(u) Nicholls "Poor Relief" p.187.

(v) Nicholls "Poor Relief" p.188.

fortunes, or such other fantastical imaginations; all fencers, and bearwards, common players, and minsterels; all jugglers, tinkers, peddlers, and petty chapman; all wandering persons and common labourers, able in body, and refusing to work for wages commonly given; all persons delivered out of gaol that beg for their fees or travel begging; all persons that wander abroad begging pretending themselves to be Egyptians"; all such persons, it is declared, "shall be taken, adjudged and deemed rogues, vagabonds, and sturdy beggars, and shall sustain such pain and punishment as by this Act is in (u) that behalf appointed".

It is then enacted, that every person thus declared to be a rogue, vagabond, and sturdy beggar, and who shall be taken begging, wandering or misordering themselves, shall by the appointment of any justice of the peace, or by any constable headborough, or tithing-man, assisted therein by the advice of the ministers or one other of the parish where such person shall be taken, "be stripped naked from the middle upwards, and be openly whipped until his or her body be bloody and shall then forthwith be sent from parish to parish by the officers of every the same, the next straight way to the parish where he was born, if the same may be known by the parties confession or otherwise; and if the same be not known, then to the parish where he or she last dwelt by the space of one whole year, there to put himself or herself to labour as a true subject ought to do; or if it be not known where he or she was born or last dwelt, then to the parish through which he or she last (v) passed without punishment".

After being thus whipped the culprit is to be furnished a testimonial certifying the same, with date and place of punishment, and place whereunto he is directed to go, and the time allowed for

(x) Statutes at Large Vol.VII p.I. (Nicholls p.189.)

(y)"Statutes at Large" Vol.VII P.II. (Nicholls p.189)

getting thither. "And if the said person through default do not accomplish the order appointed by the said testimonial, then to be eftsoons taken and whipped; and so often as any default shall be found in him or her contrary to this statute, in every place to be whipped till such person be repaired to the place limited". (x)  
 "The person so whipped etc. is to be conveyed, by the officers of the village where he last passed through without punishment, to the house of correction, or to the common gaol, there to remain and be employed in work, until he or she shall be placed in some service or, if not able of body, until placed in some almshouse".

It is further provided, that if any of the said rogues shall appear to be dangerous to the inferior sort of people when they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life, "in such case the justices may commit them to the house of correction or the county gaol until the next quarter session, where the majority of the justices then assembled are empowered to banish such rogues unto such parts beyond the seas as shall be at any time assigned by the privy council; and if the rogue so banished shall return again without license, he shall suffer death as in case of felony". (y)

The clause in the Act of 1572 is repeated, which provides that any one having charge of a vessel from Ireland, Scotland, or the Isle of Man, who shall willingly bring or suffer to be brought into England, any "Mannsyke, Scottish, or Irish rogue, vagabond, or beggar, or any such as shall be forced or very like to live by begging" is liable to penalty of twenty shillings. Constables, headboroughs and tithing-men are subjected to a penalty of ten shillings in case they shall "be negligent and do not use their best endeavors for the apprehension of such vagabonds, rogues, and sturdy beggars, and cause every of them, to be punished, according



(z) Nicholls "Poor Relief" Vol. I p.189.

(w) Statutes at Large Vol.VII pp.2-3.

to the true intent and meaning of their act". The influx of beggars from Ireland, Scotland, and the Isle of Man, for the prevention of which this enactment was framed, was probably owing to the superior wealth of England, without which there would have been little inducement for immigrants - independently of that love of change which seems natural to the mass of mankind. (z)

Diseased poor are again prohibited from Bath and Buxton unless licensed by two justices, and provided with sufficient means to sustain him while there. There is also a proviso for shipwrecked mariners, permitting them under a testimonial signed by the justice of peace, to "ask and receive such relief as necessary".

Such enactments indicate growth in the importance of the maritime pursuits, and the value in which they are held at this time.

The chief difference in these last two statutes is the distinction between the infirm and impotent poor, or "poor indeed", and the sturdy beggars "mighty in body", whose poverty is occasioned by their being idle and vicious. However the distinction at times was incomplete and in order to remedy difficulties, the Act of 39th Elizabeth cap. 5 was passed forming one entire measure for relieving the poor and repressing vagabondism.

The 39th Elizabeth cap. 5 after quoting in the preamble the 35th Elizabeth, which empowers persons to bequeath lands and hereditaments for providing and maintaining houses of correction etc., declares that "the said good law hath not taken effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding places, but by her Majesty's special license by letters potent under the great seal". (wr)

Wherefore in order that so good and charitable work may be

(z) Statutes at Large Vol.VII p.3. (Nicholls p.190.)

(a) Statutes at Large Vol.VII.p.II.

effected with as great ease and little charge as maybe, it is enacted, that any person may, within twenty years, at his will and pleasure by deed enrolled in Chancery, "found and estaglished one or more hospitals, Maisons de Dieu, abiding-places, or houses of correction, as well for the sustentation and relief of the maimed por, needy, or impotent people, as to set the poor to work; and from time to time to place therein such head and members and such number<sup>(z)</sup> of poor, as to him shall seem convenient". The hospitals, etc., so founded are to be incorporated, and have perpetual succession forever "in fact, deed and name", and are to be ordered and visited as appointed by the founder. But it is provided that no such hospital, etc., shall be founded or incorporated, "unless it be endowed for ever with lands, tenements, or hereditaments of the clear value of ten pounds by the year".

In the same year with these preceeding Acts, the 39th Elizabeth cap. 17, was passed for the correction of another evil, apparently of serious magnitude. It says that "divers lewd and licentious persons, continuing both laws, magistrate and religion, have of late days wandered up and down in all parts of the realm, under the name of soldiers, mariners, abusing the title of that honourable profession to countenance their wicked behaviour, and do continually assemble themselves, weaponed, in the highways and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects, the impeachment of her laws and the disturbance of peace and tranquillity of this realm; and whereas heinous outrages, robbers and horrible murders are daily committed by these dissolute persons"<sup>(a)</sup>. It is then ordered that all wandering soldiers and mariners or idle persons shall settle thmselves to some labour, or else repair to the place where they were born, or to their

(b) Statutes Vol.VII P.37.

dwelling-place, if they have any, and there remain, betaking themselves to some lawful course of life, on pain of being reputed felons, and suffering as in case of felony without benefit of clergy. This was certainly severe, having regard to the class of people against whom the Act was specially directed; but if the enormities named in the preamble were really perpetrated, they would warrant the exercise of great severity against the offenders.

The above statute was repealed three years later, 1601, which, in a more kindly spirit, recites that "it is now found more needful than it was to provide relief and maintenance to soldiers and mariners that have lost their limbs, and disabled their bodies in the defense and service of her Majesty and the state, in respect the number of the said soldiers is so much the greater, by how much her Majesty's just and honourable defensive wars are increased; the end therefore that they the said soldiers and mariners may reap the fruits of their good deservings, and others may be encouraged to perform the like endeavors", it is now enacted that every parish shall be charged to pay weekly such a sum of money towards the relief of sick, hurt and maimed soldiers and mariners, having been in her Majesty's service, as the justices in quarter sessions shall determine, under certain limitations as to amount; and the same is to be leviable by distress, in default of payment. But it is nevertheless provided that, "that every soldier or mariner that shall be taken begging in any place within the realm, shall forever lose his annuity or pension, and be taken, deemed, and adjudged as a common rogue and vagabond, and shall sustain the like pains and punishments as is appointed for common rogues and vagabonds".

(b)

In 1601 the principle of a compulsory assessments for relief of the poor was fully and finally established as an essential portion of domestic policy. In the earlier statutes little was aimed at beyond the repression of mendicancy and vagabondage by inflicting severe, and often cruel, punishments on the offenders; even in later statutes this same method still appeared to be the chief and governing motive. "Valiant beggars and sturdy vagabonds" were denounced in most every case as the cause of all evil and disorganization. The permission to beg on certain conditions and within certain limits, and the attempts made to stimulate charitable relief for the infirm poor, can hardly be considered as exceptions for they must, from their very nature, have been almost inoperative.

This illustrates the condition of Poor Law legislation down to the passing of 39th Elizabeth in 1597. Long previously, there seems to have been a persuasion gaining ground that severe punishments alone would not prove effectual and that something else was necessary for putting down vagabondage and mendicancy, with their evils. "By the 27th Henry VIII cap. 25, the head officers of towns and etc., were directed to succour and charitably relieve the impotent poor, and also to set and keep "sturdy vagabonds and valiant beggars at continual labour". The 5th and 6th Edward VI cap. 2 directs the register of the poor to be kept, and the parishioners to be gently exhorted and admonished to contribute according to their means, for like objects. The 5th Elizabeth cap. 3 goes still farther, and empowers justices to use compulsion towards persons obstinately refusing to contribute; and by the 14th Elizabeth, cap. 5 overseers are appointed and a better organization is formed for the collection and distribution of charitable alms; whilst by the

(c) Nicholls p.193.



39th Elizabeth, cap.3, nearly all the means are provided, short of an absolute and regular assessment of property, for effectually relieving the destitute poor, and for giving employment to such of them as are able to labour.<sup>c</sup>

Not until these measures had been tested severely and their inefficiency been declared was the principle determined that relief of destitution must be undertaken as a public duty, and be provided at the public charge, in order to insure the due ascendancy of the law; this principle was finally established in 1601.

The great turning point in Poor Law legislation begins in 1601, which is still the foundation and text book of English Poor Law. One of the first features to be noticed in this remarkable statute is the fact that it has no preamble, setting forth evils to be corrected and the good expected from it, as in the case of most other statutes. It immediately takes up its object and directs that in every parish "for, three, or two substantial householders shall, under the hand and seal of two or more justices of the peace, be yearly nominated in Easter week, and that these, with the church wardens, shall be overseers of the poor". These overseers are "to take order from time to time" with consent of the justices, for carrying the several positions of the Act into effect. They are to raise, "weekly or otherwise in every parish, by taxation of every inhabitant, parson, vicar and other, and of every occupier of lands, houses, tithes impropriate, or appropriations of tithes, coalmines, and saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit", for the following purposes:-

First, "for setting to work the children of all such whose parents shall not be thought able to keep and maintain them".

(d) Statutes Vol.VII p.30-31.

(e) Statutes Vol.VII p.37.

Secondly, "For setting to work all such persons, married and unmarried, having no means to maintain them, and who use no ordinary and daily trade of life to get their living by".

Thirdly, "For providing a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor on work."

Fourthly, "For the necessary relief of the lame, impotent, old, blind and such other among them being poor, and not able to work".  
(d)

In order to accomplish these several objects, the church wardens and overseers of the poor are, as was directed by the 39th Elizabeth, cap.3, "to meet together at least once in every month, in the parish church, after Divine service on the Sunday, to consider of some good course to be taken, and of some meet order to be set down, in the premises". And within four days after the end of their year of service, and after other overseers are in like manner appointed, they are "to make and yield up to such two justices of the peace, as aforesaid, a true and perfect account of all sums of money by them received, or rated and assessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all things concerning their said office". In case of default absence, or negligence of any kind being proved against them, before two or more justices, they are subjected a fine of twenty shillings.  
(e)

The mutual liability of parents to maintain their children, and of children to maintain their parents established by the 39th Elizabeth, is extended by this Act to the grandfathers and grandmothers, when ever the parties respectively are of sufficient ability. Church wardens and overseers are empowered with the assent

(f) Statutes Vol.VII pp.32.

of two justices, to bind those "poor children whose parents cannot maintain them, to be apprentices, where they shall see convenient, till such man-child shall come to age of four and twenty years, and such woman child to the age of one and twenty years, or the time of her marriage; the same to be effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself".<sup>(f)</sup>

In order to guard against excess of poverty the Act provided that if "the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid", then any parish or parishes within the hundred may be "taxed, rated, and assessed to pay such sum and sums of money to the church wardens and overseers of the said parish, for the said purposes as the said justices shall think fit, according to the intent of this law"; and if the hundred shall be deemed unable, then the county is, to be assessed for like purpose. This is "the rate in aid" clause, which has however, very rarely been acted upon, its existence probably helping to avert the contingency which it was provided to meet.

Justices of the peace are empowered "to commit to the house of correction, or common gaol, such poor persons as shall not employ themselves to work, being appointed thereunto by the overseers". And they are also empowered, on the nonpayment of the moneys taxed and assessed, to issue a warrant of distress for the recovery of the same, and defect of such distress to commit the offender to prison until the said money with all arrearages be paid. But any person or persons who shall find themselves aggrieved by "any sess, tax, or other act done", under the provisions of this statute, may appeal to the justices at their general quarter

(e) Nicholls p. 196.

(g) Nicholls p.197.

sessions, who are to take such order therein as to them shall be convenient." (E)

These are the chief provisions of this important statute; and so complete were they as then framed, both for providing the means of relief, and for its due administration in all cases in which relief could be necessary or proper, that they stand entire and constitute the basis of the law at the present day—always, however, excepting the settlement law and the various complicated enactments which sprang out of it. (g)

This law of 1601 was not the result of a sudden thought or a single effort, but was gradually formed from experience; it is curious to trace the successive steps by which its chief enactment, that of compulsory assessment for the relief of the poor came to be established. First the poor were restricted from begging except in certain districts. Next the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled "to go openly in begging", and collections were to be made for them on Sundays, and the parson was to stir up the people to bountiful giving. Then houses and materials for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was to exhort parishioners to contribute liberally every Sunday. Next the collectors for the poor, on a certain Sunday after divine service, were to set down in writing what each householder was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and, if he still refused, then to report him to the bishop, who was to send for and again gently exhort him; and if still refractory, the bishop was to certify the same justices in sessions, and bind

him over to appear there, when the justices were once more gently to move and persuade him; and if he would not be persuaded, they were then to assess him in such a sum as they should think reasonable. This prepared the way for the more general assessment authorized in 1572 and 1597, which led to the complete and universal assessment of property established by the present act and which continues still the law.

All of these provisions tended to the establishment of a legally authorized provision for the relief of the destitute. Even the the most stringent and severe enactments against vagrants and beggars tended to this, their failure serving to show no severity of punishment could be effective; but for these severe and often cruel enactments, the fact of their insufficiency might not have been so clearly established. Hence the fluctuations observable in the various statutes, from the 13th year of Edward I's reign downwards. At one time they are more stern and cruel, at another less so they always manifest severity of character from which the mind of a modern legislature would shrink. In fact each graduation of punishment was tried, abandoned, revived, with added stringency, and again abandoned, which can only be accounted for in the attempts to find a possible means of success.

This uncertainty led to the fact that something besides punishment was necessary. Thus charitable alms and contributions were established and finally the machinery was constituted for collecting and distributing these offerings, and for stimulating liberality where givers were found tardy. Means of relieving infirm poor was thus partially provided, as well as coercion and punishment for the vagrant class; the latter was positive and certain, the former contingent and uncertain. Finally in this last step a



(h) Nicholls p.202.

certainly was given to each, so far as it is susceptible of being attained by legislative enactment.

There are always two classes of people which will be needed to be watched and looked after, "those so fully constituted, either physically or mentally, as to be unequal to the task of providing for themselves". And those whose "moral qualities are of so low a standard, although not laboring under bodily or mental infirmity, are found naturally idle and indisposed or unequal to continuous effort or applications of any kind". In all legislation for the poor, relief afforded should be so regulated so that encouragement be not given to the idle and the vicious.

The condition of the people as a whole bears evidence of continuous social improvement, often slow but in the main progressive. Freedom from vassalage accompanied by growth of trade and manufacturing industry, and with these came increase of wealth and civilization, and the growth of the middle class serving as a connection between the higher and lower orders, and thereby completing and as it were cementing the social structure. By the end of Elizabeth's reign it may be said that society had very nearly  
(h)  
attained its present form.

There was doubtless at this time still much rudeness observable in the dwellings, manner and general mode of living of the great mass of the people; but the taint of former vassalage was now nearly obliterated and they felt enacted as freemen, asserted their rights as such, and occupied their proper position in the community. For the maintenance and further improvement of that position no measure could have been better timed or better devised than the act of the 43rd year of Elizabeth's reign. By making provision for relieving the destitute, and for setting the idle to labor, it

(i) Nicholls p. 210.

(j) "Social England" Vol.IV pp. 143-144.

rescued society from the danger and demoralization that would ensue, if these two classes were left to wander at large ; and also from the heavy tax of supporting them as mendicants, which in the absence of such a law all experience shows, would have fallen most heavily upon the class raised but one degree above them, and therefore least able to bear the burden and most liable to be  
(i)  
dragged down to the same level.

As to the effects of the law of 1601 upon the people, it is only necessary to examine the conditions following. The manner in which it was interpreted, and the methods from time to time adopted to carry it into effect, had a marked influence upon English social development. The poor law at this time was a part of a great legislative system which affected in a greater or less degree, all classes of society, and all economic interests. When dealing with pauperism, the government looked for remedies not to the poor law alone, but to the enforcement of numerous statutes regulating trade, industry, wages and prices. There was at this time none of that distrust of state interference which has characterized the nineteenth century.

It cannot be said that it alleviated distress altogether, for in the years following it prevailed amongst poorer classes, and also amongst artificers and work people who, in good times, would be considerably above the level of poverty. It is not easy to determine whether the condition of the people as a whole was better or worse than it was during the latter half of the sixteenth century. But the continued rise of prices, the commercial crises through which the country passed, and numerous bad harvests caused  
(j)  
widespread distress.

In several instances the justices and overseers were lax in do-

ing their work. Results of which were keenly felt. The one part of the poor law which seemed to tax the energies of the most zealous justice of the peace was the dealing with the employment of the poor. In hospitals and houses of correction rogues and vagabonds appear to have been frequently "set on work". The provision of the stock for employing the poor in their own homes under the supervision of the overseers, or for starting a trade which would absorb them was a much more difficult matter. People naturally objected to the payment of a rate for such a purpose, and it is doubtful whether any general attempt to levy one was made. Occasional mention is made of setting the poor on work by subsidizing them out of the rate.

Thus in summing up it may be said the general effect of this famous statute of 1601 was good although failing in some of its details and it has lasted through to the present time.

## Outline

### I The lot of the Poor and their Relief prior to 14th Century.

- Almsgiving
- Churches
- Monasteries
- Mendicant Orders
  - Franciscans
  - Friars
  - Dominicans
- Hospitals
- Crusades

### II Economic and Social Changes due to Black Death and the Effects on the Dependent Population to 1601.

- Changes in Manorial System
  - Population unattached from the soil
  - Wandering Population
  - Sheep farming
  - Inclosures
  - Money rent
  - Rise of townlife and economy

Debasement of Coinage

Discovery of New World

Influx of Precious Metal from America

Decay of Monasteries

### III Methods of Relief prior to 1601.

#### Labor Laws

- Law of 1349-Compelling persons to labor
- Law of 1350-Providing punishment for those who refuse to labor.
- Law of 1357-Ordaining the fines to the King
- Law of 1360-Punishment by imprisonment
- Law of 1388-Determining the price of labor

#### Poor Laws

- Law of 1349-Forbidding alms to beggars
- Law of 1383-Forbidding vagabonds to wander from place to place
- Law of 1388-Distinguishes between "beggars able to serve" and "impotent beggars".
- Law of 1391-Provision for the poor and the vicar.
- Law of 1402-Provides secular authority in helping the church to care for the poor.
- Law of 1414-Reforming hospitals

## Poor Laws

- Law of 1494-Punishes vagabonds severely
- Law of 1503-Punishment of vagabonds
- Law of 1530-Licensed the "impotent poor"  
Punishment of "able-bodied beggars"
- Law of 1536-Relief for the poor  
Alms for the impotent  
Work for the able-bodied
- Law of 1547-Severe punishment for the vagabond
- Law of 1549-Enforcing punishment of the vagabond
- Law of 1552-Relief of poor people and vagabonds
- Law of 1555-Punishment for beggars and vagabonds  
Relief to be gathered weekly
- Law of 1562-Allowed no one to openly go begging  
Enforced the collections of alms
- Law of 1572-Inflicts severe punishment on beggars  
Defines the idle class  
Provides for the poor and aged  
Inflicts punishment upon those refusing to give alms.  
Sets the able-bodied to work
- Law of 1576-Provision for bastards  
Provides materials for work  
Poor paid for their work  
Provides "houses of correction"
- Law of 1593-Charges every parish with weekly sums  
Provides benefices
- Law of 1597-Provides overseers in every parish  
Calls a meeting of overseers  
Empowers the justices to "rate and assess"  
Establishes mutual liability of parents and children.  
Inflicts punishment upon the vagabond.  
Gives power to the justices to erect houses of correction.  
Empowers persons to bequeath their lands and hereditaments.  
Provides work for all wanderers
- Law of 1601-Takes care of poor children  
Starts the idea of workhouse  
Provides for meeting of overseers  
Makes provision in case of over taxing the poor people.  
Empowers justices to commit poor people to houses of correction.

## Social Condition of the People



University of Kansas Libraries



3 3838 100532056